

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRUCE TONEY,

Plaintiff,

v.

Case No. 05-CV-74249-DT

CITY OF DETROIT et al.,

Defendants.

**ORDER DIRECTING ALL INTERESTED PERSONS OR PARTIES TO REFRAIN
FROM SENDING UNSOLICITED LETTERS TO THE COURT**

On November 3, 2006, the court entered a dismissal in the above-captioned case. Prejudice attached to the dismissal twenty-eight days later. All matters have thus been resolved and the case is closed. Nonetheless, on March 14, 2007, the court received a letter from Plaintiff Bruce Toney, which has been improvidently docketed. In his letter, Toney complains of the actions of Kevin Ernst, who was neither counsel of record nor a party to this litigation. For a number of reasons, the court will not consider the letter or respond to any requests contained within the letter. First, a party represented by counsel must make all of their requests to the court through that attorney. Here, Toney was represented by David Robinson and Theophilus Clemons and Toney must proceed through his attorneys of record. Moreover, all requests to a court must be made in a motion and in compliance with the local and federal rules. Absent highly unusual circumstances not present here, the court does not act on or otherwise respond to requests made in letters. Finally, letters such as those sent by

Toney are very often sent *ex parte* and it would be improper for the court to consider it.¹ For all of these reasons, the court will not interpret the letter as any sort of motion, and will not further respond to the requests or assertions made in the letter.

Similarly, on March 22, 2007, the court received a letter from Kevin Ernst, responding to Toney's March 14, 2007 letter. Ernst's letter does not appear on the docket, nor does it appear that copies were sent to *any* of the attorneys of record in the case. A copy does appear to have been sent to Toney. The letter states in total:

I received a copy of Mr. Toney's letter concerning disbursements of the settlement proceeds in his case. In response, I would respectfully inform the Court that Mr. Toney's share of the settlement proceeds were disbursed according to the liens filed against his case which he specifically authorized me to do. I will be happy to provide documentation if you desire it.

Thank you for your attention to this.

(3/22/07 Letter.)² As stated above, the court does not respond or otherwise rule on any requests or issues raised in letter form. Accordingly,

IT IS ORDERED that all counsel, parties and interested persons in this case are DIRECTED to cease communicating to the court in letter form. All future unsolicited letters received from counsel, parties and interested persons will be returned by the court's staff. If any relief is sought, on behalf of Plaintiff, Defendant or Mr. Ernst, a

¹Because the letter was placed on the docket, all parties have by this point received copies of it electronically. Thus, there is no need for the court send copies of the letter to opposing counsel. In order to ensure that all parties have received a copy of the letter, the court will not strike it.

²Because the letter is reproduced in full, the court need not otherwise send copies of it to the attorneys of record.

proper motion must be filed by counsel of record.³ Plaintiff's counsel is FURTHER DIRECTED to provide a copy of this order to Plaintiff, with instructions that he must speak through his counsel of record.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 23, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 23, 2007, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

³The court expresses no opinion as to whether it would have jurisdiction over any motions filed at this point, in light of the fact that this case is now closed and all matters settled.